



WEB COPY



WP No.13687 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.13687 of 2014

And

MP No.1 of 2014

N.Chakrapani

..

Petitioner

VS.

1.State of Tamil Nadu Represented by its
Secretary to Government,
Home (Prison-II) Department,
Fort St. George,
Chennai – 600 009.

2.The Additional Director General of Prison,
(Formerly Inspector General of Prison),
C.M.D.A. Tower – II,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, calling for



WP No.13687 of 2014

the records relating to the proceedings of the first respondent in Letter No.60673/Prison-2/2013-1 dated 29.11.2013 passed in G.O.(2D) No.39, Home (Prison-II) Department dated 16.03.1994 by confirming the proceedings of the second respondent in No.47670/AB1/90 dated 02.08.1991, quash the same and direct the respondents to grant all consequential relief entitled to the petitioner.

For Petitioner	: Mr.E.Durai Vaiyapuri for Mr.S.Doraisamy
For Respondents	: Ms.R.L.Karthika, Government Advocate.

ORDER

The order of punishments originally issued by the Disciplinary Authority in proceedings dated 02.08.1991 and the appellate order, confirming the penalty in proceedings dated 16.03.1994, were challenged by the writ petitioner in WP No.2932 of 2012. The said writ petition was dismissed by this Court on 09.02.2012.

2. After dismissal of the abovesaid writ petition, namely, WP



WP No.13687 of 2014

No.2932 of 2012, once again the writ petitioner filed a Review Petition before the first respondent and thereafter, filed the second writ petition, challenging the subsequent order of rejection passed by the Authority in proceedings dated 29.11.2013.

3. The writ petitioner had earlier filed the writ petition challenging the order of penalty dated 02.08.1991, which was confirmed by the Appellate Authority in G.O.(2D) No.39, Home (Prison-II) Department, dated 16.03.1994.

4. When the original order of punishment and the appellate order passed by the Government, were challenged and this Court dismissed the writ petition, again he filed the Review Petition and challenging the order passed in the Review Petition in the present writ petition. Such a mode of approach by the writ petitioner, cannot be appreciated by this Court and the present writ petition itself is not entertainable in view of the fact that the original punishment order and the appellate order, confirming the original punishment order were challenged by the writ petitioner in WP



WP No.13687 of 2014

No.2932 of 2012 and the said writ petition was dismissed. Therefore, there cannot be any fresh cause for the writ petitioner to re-adjudicate the issues which reached finality before this Court. Thus the writ petitioner is not entitled for the relief as such sought for in the present writ petition.

5. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

06-07-2022

Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

Svn



WP No.13687 of 2014

To

WEB COPY

1. The Secretary to Government,
State of Tamil Nadu Represented by its
Home (Prison-II) Department,
Fort St. George,
Chennai – 600 009.
2. The Additional Director General of Prison,
(Formerly Inspector General of Prison),
C.M.D.A. Tower – II,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.



WEB COPY



WP No.13687 of 2014

S.M.SUBRAMANIAM, J.

Svn

WP 13687 of 2014

06-07-2022